

Q Let me ask you this question: Were you there all of the time during the month of May?

A Well, yes, practically all the time, except maybe I would go out one night or so.

Q Maybe one night a week?

A Yes.

Q And the rest of the time you were always there?

A Yes.

Q You are absolutely definitely sure that the only time you saw Ted up there was around the beginning of May when these boys came up with this girl, and a second time?

A That's all I recall seeing him.

MR. SAMMARCO: That's all.

MR. STEFFES: That's all.

BY THE COURT:

Q Let me ask you this, you say you had been at this place for three and a half years?

A Yes.

Q You were quite familiar with the establishment and how it was operated?

A Yes.

Q Is it true that you were sort of a straw boss there and in charge of the girls?

A Yes.

Q I presume because of that you would know the condition of the girls, as to their health?

A Well, yes.

Q What was the condition of health with respect to venereal disease of this girl at the time she came to your establishment?

A Well, you see the following day she was taken down to the doctor. Previous to that to a certainty I didn't know.

Q But I mean at the time, the first week?

A The first week?

A Yes, the following day she was taken to the doctor. Of course she had a venereal disease.

Q Was that cleared within a week or ten days?

A That I couldn't say.

Q When did she start to work in your establishment?

A I don't remember either, but I know she was there two or three weeks, I don't know just how long it was before she started to work.

Q She wouldn't be permitted to work until the infection was cleared, would she?

A That's right.

THE COURT: That's all.

BY MR. KERSTEN:

Q Was it routine for the girls to go over to a doctor

as soon as they came there?

A Yes, absolutely.

MR. KERSTEN: That's all.

THE COURT: That's all.

BY MR. SAMMARCO:

Q You say it was at least two weeks before she started working there?

A I couldn't say definitely, because I don't remember.

Q Your best recollection is, you answered before two or three weeks?

A I couldn't say.

THE COURT: I think the name of the doctor was given by the girl yesterday. Do you know the name of the doctor?

A We have two doctors. I wouldn't know which one it was at the time.

BY MR. SAMMARCO:

Q Were these doctors in a clinic up there at Sheboygan?

A No.

Q It wasn't a clinic proposition?

A No.

MR. SAMMARCO: That's all.

MR. KERSTEN: That's all.

MR. SAMMARCO: May I suggest as far as Mr. Tyson is concerned, there is a record or summary

of the Juvenile Court admitted in the record, and I think that's all we will need.

THE COURT: That is a long sheet, the exhibit has already been received?

MR. SAMMARCO: Yes, and as I understand, naturally the other was not admitted, so he is out altogether and he may be excused.

THE COURT: (To Mr. Tyson): You are permitted to take the entire file back with you, with the exception of this one exhibit that has been received, Defendant's Exhibit B.

MR. KERSTEN: State rests.

MR. SAMMARCO: I would like to have the jury dismissed for just one minute.

(Jury out)

MR. SAMMARCO: At this time the defendant moves for dismissal on counts 1 and 2 of the information, for the reason that there is no corroboration as to the commission of any offenses as far as the defendant is concerned.

THE COURT: Motion is denied. Call in the jury.

(Jury resumes seats in jury box)

MR. SAMMARCO: May it please the Court, I would like to make my opening statement.

THE COURT: Proceed.

(Opening statement by Mr. Sammarco.)

DEFENSE

BERNARD J. PRASHER, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. SAMMARCO:

Q. What is your full name?

A. Bernard J. Prasher.

Q. What is your occupation?

A. Telephone Manager.

Q. Of what exchange?

A. The Sheboygan Falls Exchange, of the Wisconsin Telephone Company.

Q. As such manager, have you the complete custody and control of the records of the Telephone Company up there?

A. Yes.

Q. Now, have you with you today all the calls that came out of the place known as the Old Colby Inn, all of the long distance calls came out of there during the month of May, 1941, for the number known as Broadway 9558 at Milwaukee, and also the number known as Broadway 9437 at Milwaukee?

A. Yes, sir.

Q What calls came out, according to your records there, were made, first starting with May 1st, go right down the line and give us the particular number and if possible to place the call and to whom. When was the first call?

A May 3rd.

Q By whom was that call placed?

A I can't say that.

Q To whom was it made?

A I can't say to whom. Only the telephone number is given.

Q What number was called on May 3rd from the Old Colony Club?

A Broadway 9558, Du Laveris Tavern, 4th and Wells.

Q The next one?

A The next one is on May 4th, to Milwaukee, Broadway 9437.

MR. KERSTEN: Now, we have here a number of four long distance calls between two certain numbers. Unless counsel has other evidence to connect it up, I don't see the materiality of four long distance calls between two numbers.

MR. SAMMARCO: I will connect the calls.

MR. KERSTEN: I would like to know what the connection is. Therefore I will object to this at this time as the proper foundation has not been

laid to show by whom the calls were made.

MR. SAMMARCO: I will connect the calls later.

MR. KERSTEN: I will object to that, then. Of what materiality are four long distance calls?

THE COURT: We will take them subject to objection at this time and subject to consideration later.

BY MR. SAMMARCO:

Q Now, on May 4th, you say there was one call made to Broadway 9437?

A Yes.

Q And the next one?

A May 11th, to Broadway 9437, to Tasty Barbecue.

Q Any particular person to whom made?

A No, sir.

Q The next number?

A Next one, May 19th, to Milwaukee, Broadway 9558, Du Laveris Tavern, 4th and Wells.

Q Next?

A That's all.

BY THE COURT:

Q What's the date of the last one?

A May 19th.

BY MR. SAMMARCO:

Q. Those were the only four long distance calls placed out of that tavern during the month of May?

A. No, there were others but these were just certain telephone numbers requested.

Q. Have you any others through to the City of Milwaukee?

A. No.

MR. SAMMARCO: All right.

CROSS EXAMINATION

BY MR. KERSTEN:

Q. Who requested these particular numbers?

A. Subpoena requests.

Q. In the subpoena by the defense, is that correct?

A. Yes.

Q. There are other numbers, you say?

A. Yes.

Q. By "other numbers" you mean other numbers from the Old Colony Club?

A. Yes.

Q. To places in Milwaukee?

A. Yes, sir.

MR. SAMMARCO: If you want them in the record, I will stipulate we get them in the record.

MR. KERSTEN: That's all.

BY MR. SAMMARCO:

Q What other numbers were called in Milwaukee out of the Old Colony Club?

A I couldn't tell you that now. I would have to check.

BY THE COURT:

Q In other words, the subpoena you received requested you to bring information on calls to these two numbers only?

A Yes, sir.

Q And that is all your search included?

A Yes.

Q But incidentally, in making that search you saw other numbers in Milwaukee called, but paid no attention to them because not requested in the subpoena?

A Yes. By the way, I received two subpoenas, one requesting calls to Broadway 9558 and the other subpoena I received too late to check these tickets and get them in court here.

MR. SAMMARCO: That's correct, your Honor.

MR. KERSTEN: Can you leave those little slips here?

A I have duplicates; yes.

(Said slips were thereupon marked "Defendant's Exhibits C, D, E and F," respectively.)

JOHN W. CLAUSSSEN, being first duly sworn,

testified as follows:

DIRECT EXAMINATION

BY MR. SAMMARCO:

Q. Your name?

A. John W. Glaussen.

Q. Where do you live?

A. 2728 North 75th.

Q. Do you know Gloria Eichstaedt?

A. I do.

Q. Gloria was placed in your home, is that correct? Foster home?

A. Yes.

Q. You have two young boys?

A. Yes.

Q. When did Gloria leave your place?

A. April 13th, 1941.

Q. Under what circumstances did she leave? Was there a quarrel or anything when she left?

A. As a matter of fact we were invited out Easter Sunday and we were not home on that day. When she left I was working at the time.

Q. She left voluntarily?

A. Yes, she did.

Q. Nor quarrel or anything?

A. Not that I know of.

Q During the time that she was in your home, how did she behave?

MR. KERSTEN: This is immaterial, if the Court please.

THE COURT: Objection sustained.

BY MR. SAMMARCO:

Q How long have you known Gloria?

A She was placed in our house October 22, 1940.

Q During the time she lived at your house, were you able to form any opinion as to Gloria's reputation for truth and veracity?

MR. KERSTEN: I don't think that question is properly framed, and I will object to it.

THE COURT: Objection sustained.

BY MR. SAMMARCO:

Q Do you know Gloria's general reputation for truth and veracity?

MR. KERSTEN: Object to that as not properly framed.

THE COURT: Sustained.

BY MR. SAMMARCO:

Q During the time Gloria lived in your home, did you have any opportunity to observe her to her conduct?

MR. KERSTEN: Object to that as immaterial.

THE COURT: Objection sustained.

BY MR. SAMMARCO:

Q. When is the first time you saw Gloria after she left on April 13th?

A. The preliminary hearing in District Court.

Q. Did you talk to her?

A. No, sir, I did not.

Q. Have you talked to her since?

A. No, sir, I haven't.

Q. During the time she lived at your home, did her mother come to visit her?

MR. KERSTEN: Object to that as immaterial.

THE COURT: Objection overruled.

A. She did come at first, the first three or four months I would say, periodically, that is, with the Juvenile Court's sanction.

BY MR. SAMMARCO:

Q. When she came in there were you present?

A. I believe on one or two occasions I was.

Q. During the occasions you were present, was there a friendly relation there as between the parties?

MR. KERSTEN: Object to that as immaterial.

THE COURT: Objection sustained.

BY MR. SAMMARCO:

Q. Do you know Gloria's reputation for truth and veracity in the community where she lives?

THE COURT: Answer that yes or no.

A. No.

BY MR. SAMMARCO:

Q. Did Gloria ever have any trouble with your two minor children?

MR. KERSTEN: Objected to as immaterial.

THE COURT: Objection sustained.

BY MR. SAMMARCO:

Q. Did you receive any compensation for keeping Gloria at the home?

MR. KERSTEN: Object to that as immaterial.

THE COURT: Objection sustained.

BY MR. SAMMARCO:

Q. Did you support Gloria yourself?

MR. KERSTEN: Object to that as immaterial.

THE COURT: Objection sustained. That is substantially the same question as the last one.

BY MR. SAMMARCO:

Q. What school did Gloria go to while she lived at your home?

A. She went to Lutheran High School at first.

Q Where did she go after that?

A At the close of the semester she was transferred to Wauwatosa High.

Q How long did she go there?

A From February until April.

Q Now, after Gloria left your home, did you report that to the Police Department?

A My wife did. I didn't personally. No, sir, I didn't report it to the Police Department.

Q Did your wife report it?

A She reported it to the juvenile authorities and they in turn took action on it.

MR. SAMMARCO: That's all.

MR. KERSTEN: That's all.

ISADOR EISEN, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. SAMMARCO:

Q Do you know Ted Gagliano?

A Yes.

Q How long have you known him?

A About three years.

Q What is your occupation?

A I am a bartender.

Q Where?

A At the Savoy Bar.

(Q Do you know the complainant witness, Gloria Eichstaedt?

A Yes, sir.

Q Do you remember ever visiting at the Du Laveris Bar at 4th and Wells?

A Yes, sir.

Q Do you know whether or not at any time you saw this girl in that bar room?

A Yes, sir.

Q About what time of the day or night was it you saw this girl there?

A Somewhere between eight o'clock at night and eleven o'clock at night.

Q How do you place the time?

A At that time I was working in a restaurant up town and I used to take off between 8:00 and 11:00 and go downtown.

Q Did you get there before this girl came in, or after?

A After.

Q How long did you observe her in the tavern?

A She was there all the time I was there.

Q All of the time you were there?

A Yes.

Q What was she doing there?

A She was sitting at the bar, drinking.

Q. What else was she doing?

A. She was kidding with the bartender, that's all. You see I don't remember whether she was sitting with anybody or not.

Q. Was she talking with the different men in the bar room?

A. Not that I noticed.

Q. Did she talk to you?

A. Yes, she talked to me.

Q. Was she kidding you also?

MR. KERSTEN: Object to these questions as leading.

THE COURT: The objection is sound.

BY MR. SAMMARCO:

Q. Does she have anything to do with you in there, as far as conversation is concerned?

A. Sure.

Q. What happened there, tell us, during the time you were in there?

A. When I came in there it was anywhere between 8:30 and 9:30, and she was kidding with the bartender, and I knew the bartender, so I joined in the conversation.

I don't remember what was said any more. All I remember about it is she wanted me to kiss her and I told her I didn't want to, and she threw her arms around me, and you know, what could I do?

Q What was her condition at the time she did that? Was she drunk or sober?

A I wouldn't say she was drunk.

Q Was she totally sober?

A I don't remember.

Q You are positive you saw her in that tavern?

A Oh, yes.

Q At the hour you specified?

A Yes, sir.

Q Was Mr. Ted Gagliano there?

A Not when I first came in.

Q Did you see him later?

A Yes.

Q What was he doing there?

A Well, he came in the bar, in the doorway, and he headed for where the men's room is. He might have been going to work. I don't know.

Q During the rest of the evening between the hours of approximately 9:30 and almost 11:00 o'clock when you left, this girl was in the place, is that correct?

A That's right.

MR. SAMMARCO: That's all.

CROSS EXAMINATION

BY MR. KERSTEN:

Q. You don't remember the exact day, it was the first part of May, is that correct?

A. Wouldn't even know it was the first part of May.

Q. Mr. Hanlon here, talked to you, didn't he?

A. Yes, sir.

Q. You didn't tell him about Gloria kidding with the bartender, did you?

A. I don't remember if I did or not.

Q. When you left this girl she was talking with this defendant, Teddy Oapp, wasn't she?

A. Yes, sir.

Q. You left about what time?

A. I left sometime before eleven o'clock to go to work.

Q. It was around 10:30?

A. Could have been 10:30 or a quarter to 11:00 or could have been ten o'clock.

MR. KERSTEN: That's all.

MR. SAMMARCO: That's all.

CHRIST CONSTANCE, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. SAMMARCO:

Q. What is your full name?

A. Christ Constance.

Q Where do you live, Mr. Constance?

A Route 3, Town of Wilson, Sheboygan, Wisconsin.

Q You are the husband of Maxine Constance?

A Yes.

Q Did you ever meet the defendant, Ted Gagliano, during the month of May? Did you ever see him during the month of May?

A I believe so.

Q Where did you see him?

A In the tavern at 4th and Wells,

Q That is commonly known as the Du Laveris Tavern?

A Yes.

Q About what time of the day was it you met him there?

A It was at night.

Q Can you tell us approximately the time?

A It is a little after 10:00.

Q Who was with you when you saw Ted Capp?

A Irish.

Q Irish, that would be this young lady here, Gloria?

A Yes, and my wife.

Q Before you went to the Du Laveris Tavern did you stop anywhere?

A I don't know if we first went over to the Coffee Shop in the Belmont Hotel.

Q That you are not sure of?

A No, I am not sure of that.

Q But you are sure you saw Ted, and you had this other company with you, that is, your wife and Gloria?

A Then we went to the tavern, that's where I saw Ted.

Q What conversation took place in the tavern that night?

A Well, I didn't hear much of the conversation because I never made it my business to hear any of the conversation,

Q Was there any money given by anyone to Ted Capp?

A No, sir.

Q You are positive?

A Positive.

MR. KERSTEN: Object to that last question on the ground it's leading, and that the answer there to be stricken. He prefaced that by saying he didn't hear much of the conversation.

THE COURT: The motion is granted and the last questions and answers are to be stricken.

BY MR. SAMMARCO:

Q Were you sitting here when Gloria Bichstaedt was testifying this morning?

A Yes.

Q You heard her testimony?

A Yes.

Q What did you do after you left the Du Laveris Tavern?

That is, the group of you, what did you do?

A. We crossed the street and went back into the Coffee Shop, and there we had a cup of coffee each, and there the girl was all enthused about something, and then she left and she said: "I'll see you tomorrow or something of that sort, and my wife and I came back home.

Q. In other words, you and your wife left the Belmont Hotel alone?

A. Right.

Q. When was the next time you saw Gloria after that?

A. The next time must have been about a week after that, they came to the tavern in Sheboygan.

BY MR. KERSTEN:

Q. Who do you mean by "they"?

A. Gloria and my wife. I used to run a tavern up in Sheboygan, and they stopped in for a minute.

BY MR. SAMMARCO:

Q. Did Gloria disclose to you that evening where she was going?

MR. KERSSEN: Counsel means the evening of the Milwaukee visit?

MR. SAMMARCO: Yes, I'll withdraw my question and put it this way:

Q. You and Maxine left the Belmont Hotel alone?

A That's right.

Q Did you leave first or Gloria leave the Belmont first?

A She left first.

Q Now, you were present in the Du Laveris Tavern all of the time the parties were together?

MR. KERSTEN: Object to that as leading.

THE COURT: Isn't that suggestive? Objection sustained.

BY MR. SAMMARCO:

Q By the way, how big is the Du Laveris Tavern?

A Well, it has got a sort of a round bar. As we came in on 4th Street, entered, we could see the entire bar of the tavern, and as we went inside on that rounding part of the bar, that's where Gloria sat and my wife and I alongside there.

Q In other words, you sat in front of the bar at the end?

A That's right.

Q What was Ted doing at the time?

A He was behind the bar. There was another customer there and he was waiting on him and then waited on us.

Q Were there any other bartenders present at the time?

A Yes.

Q Who was present, if you remember?

A There was another bartender behind the bar and there

was another man in the place that acted as a sort of manager or something in there.

Q You wouldn't know whether that was Danny Patsos?

A I wouldn't. If I saw him, I could say if it was him or not.

MR. SAMMARCO: Mr. Cisceski, will you please stand up?

(Gentleman in court room stands)

Q Can you tell us whether or not that was the man standing back of the bar the night you went there?

A May I see the gentleman in the aisle? Yes, that's the man.

Q Yes, the man that was there when you came in?

A Yes.

Q As you stated, you didn't see any hundred dollars paid by Maxine, is that correct?

A That's correct.

Q Did the group stay together all the way through the entire conversation you had there?

A The only one didn't stay together was myself; I stood up and put a nickel in the machine there, that took me about at least a minute and a half or two minutes to operate, but at the same time the way that machine was placed in there, and the bar to my right, where they were sitting, I certainly could have seen if

there was any money paid.

Q Do you remember whether or not when you went to the Du Laveris Bar, you first left the girl at the Belmont and came in and then went out to get her and bring her in?

MR. KERSTEN: Object to that as leading.

THE COURT: Sustained.

BY MR. SAMMARCO:

Q Do you remember whether or not the three of you walked in for the first time into the Du Laveris Tavern together?

MR. KERSTEN: Object to that as leading.

THE COURT: He may answer.

A I believe we went in the tavern, my wife and I alone at first.

Q And then what happened after that?

A And then she came in.

Q Was she called in or did she come in of her own free will?

A She came in of her own free will.

Q The first time you met me was after the subpoena was issued, is that correct?

A That's right.

Q When you came into Court here Monday morning?

A That's right.

Q Most of the facts you are relating on the stand today you didn't tell me, is that right?

MR. KERSTEN: Objected to as leading, irrelevant and immaterial.

THE COURT: Objection sustained.

MR. SAMMARCO: That's all.

CROSS EXAMINATION

BY MR. KERSTEN:

Q Christ, you say you and your wife, Maxine, and Irish came down to Milwaukee on this night that you were in Du Laveris Tavern, is that right?

A Yes, sir.

Q Where did you start out from?

A I was picked up at the tavern, that is in Sheboygan.

Q Do you know where your wife and Irish came from?

A I suppose so.

Q Do you or don't you?

A Well, I don't really, if you put it that way, I don't know, maybe they were at the show some place, and picked me up.

Q You know they came from the Old Colony Club and then picked up you and the three of you went down to Milwaukee, isn't that right?

A That I wouldn't know.

BY THE COURT:

Q They came either directly or indirectly from the Old Colony Club to pick you up?

A Yes.

Q Whether they stopped at a show or some place in the meantime, you don't know?

A No.

BY MR. KERSTEN:

Q The Old Colony Club is a house of prostitution?

A Yes.

Q Irish was one of the girls there, wasn't she?

A I guess so.

Q You know that, don't you?

A Yes.

Q And when you came to Milwaukee you went first, you say, to the Belmont Hotel?

A Yes, we stopped in the Belmont Hotel and had a cup of coffee.

Q And then over to the Du Laveris Tavern?

A That's right.

Q And there you and your wife went in there first?

A Yes.

Q And what did you and your wife do when you first went in there?

A She saw if Ted was there.

Q In other words, Maxine, your wife, was looking for Ted, wasn't she?

A I suppose so.

Q In connection with Irish, isn't that right?

A Yes, I guess so.

Q In other words, Ted was Irish's man up to that time, wasn't he?

MR. SAMMARCO: That is objected to as calling for a conclusion, improper conversation.

THE COURT: Objection overruled.

A I guess so.

BY MR. KERSTEN:

A At the present time you are under indictment under a Federal charge together with your wife, in connection with charges regarding Irish, are you not?

MR. SAMMARCO: That is objected to for the reason that it is an improper impeachment question, not properly phrased.

THE COURT: The objection is overruled.

BY MR. KERSTEN:

Q In other words, you are under a Federal warrant, a white slave warrant from the Federal authorities, isn't that right?

A Yes, sir.

Q And the reason you are now saying there was no money

passed at that time is because of your present situation, isn't that right, Christ?

THE COURT: No, just a moment. The Court feels that at this time it is the duty of the Court to advise this witness of his constitutional rights not to answer any question the answer to which might tend to incriminate him. Do you understand that?

THE WITNESS: Yes, sir.

THE COURT: I understand you are represented by counsel in the Federal Court, who is presently in Court with you?

THE WITNESS: Yes, sir.

THE COURT: And who has advised you of your rights in respect to refusing to answer questions, is that correct?

THE WITNESS: Yes, your Honor.

THE COURT: And who is here for the purpose of the record, let the record show, Mr. Leahy, who represents the witness, is in Court and is at liberty to object if he sees fit.

MR. LEAHY: I asked the Court to instruct the witness and I have instructed him not to answer any questions that might in any way tend to incriminate him.

THE COURT: The Court will not instruct him

BY MR. SAMMARCO:

Q. Do you know whether or not Fazio was in the restaurant during the time you were there getting your cup of coffee? Do you remember seeing him there?

MR. KERSTEN: Object to this as improper redirect.

THE COURT: Objection overruled.

A. Well, there was somebody there that she got up and went out with.

BY MR. SAMMARCO:

Q. Do you know whether or not that person was Louis Fazio?

A. It might have been.

BY THE COURT:

Q. Do you know Louis Fazio?

A. I have seen him. I was introduced to him.

Q. We don't want a might. It might have been anybody.

Do you know whether it was or was not him? Answer the questions put to you.

A. Your Honro, I can't say.

Q. Then you don't know. If you don't know, simply say you don't know.

A. I saw these two go out with someone, but I saw his back.

Q. Could you tell by the back who it was?

A. No, not very well.

not to, but that he has the right to refuse to on the ground the answer might tend to incriminate him. Do you understand what your rights are?

BY MR. KERSTEN:

Q You understand the Court's instructions and your attorney's statement, do you?

THE COURT: Putting it plainly to you, you are at liberty to answer the question or may refuse to answer it on the ground the answer might tend to incriminate you.

A Your Honor, the truth is there was no money paid.

BY MR. KERSTEN:

Q And the reason you are saying that is because you are under Federal charge, isn't that right?

MR. LEAHY: Just a moment, your Honor. The truth of the matter is he isn't under indictment.

MR. KERSTEN: Well, Federal warrant, isn't that correct?

MR. LEAHY: The man is arrested and awaiting preliminary examination. He has not been indicted and hasn't had his preliminary examination.

MR. KERSTEN: What's the last question?

(Last question, read)

MR. LEAHY: Don't answer that question.

MR. KERSTEN: That's all.

Q Then your answer is you don't know whether it was Fazio or not, is that correct?

A That's correct.

MR. SAMMARCO: That's all.

MR. KERSTEN: That's all.

ROBERT BUNDY, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. SAMMARCO:

Q What is your name?

A Robert Bundy.

Q What kind of work do you do?

A I own the Tasty Barbecue at 718 North Fifth Street.

Q Do you know the defendant, Ted Capp?

A I do.

Q Was the defendant Ted Capp in to see you at any time during the month of May, 1941?

A He was in there occasionally, came to eat a lot of times.

Q Do you remember whether or not he at any time asked you about employment for some girl?

A He did.

Q Just about what time of the month was it?

A I can't place it definitely.

Q Would you say the beginning of the month of May?

A Well, I interview a lot of people and I definitely can't place the time.

Q What is your telephone number at the Tasty Barbecue?

A Broadway 9437.

Q Do you know Maxine?

A I do.

Q Known her a long while?

A That's right.

Q Did you ever get a call from Maxine during the month of May 1941?

MR. KERSTEN: Object to this as immaterial.

THE COURT: It's preliminary, I'll take it.

A Not that I remember.

BY MR. SAMMARCO:

Q Do you know Louis Fazio?

A I do.

Q Do you know Nick Gentilli?

A I do.

Q Do you know Mr. Machi?

A No, I don't.

Q Never saw him?

A Not to my knowledge, no.

Q Do you remember a call being made to you May 4th, 1941, by Maxine?

MR. KERSTEN: Object to this as leading and suggestive.

THE COURT: Objection sustained, previously answered and suggestive.

MR. SAMMARCO: At this time we wish to state to the Court we feel that this man is an adverse witness and I would like to examine the witness adversely.

MR. KERSTEN: There is no adversereness shown.

THE COURT: No foundation laid for it.
Motion denied.

BY MR. SAMMARCO:

Q. Did you talk to Maxine on the 11th day of May, 1941?

MR. KERSTEN: Object to this as leading and suggestive.

THE COURT: Objection overruled.

A. Not that I remember.

BY MR. SAMMARCO:

Q. Since the service of subpoena you have been in the District Attorney's Office, is that correct?

A. I was called to come up there.

Q. What statement did you make to the District Attorney with reference to this case?

MR. KERSTEN: This is immaterial and in-

competent.

MR. SAMMARCO: It is very material, your Honor. I would like to know it.

THE COURT: Well, he may answer.

A Oh, he asked me--

THE COURT: I think that calls for almost an unanswerable question, does it not? I think if you want to find out whether they made any effort to prevent him testifying the way he would have testified before, you may find out by direct question, but this is too broad and indefinite.

MR. KERSTEN: We have no objection to such questions.

BY MR. SAMMARCO:

Q Isn't it a fact you made a statement to the District Attorney?

THE COURT: Answer that "yes" or "no".

A I don't know what you call by a statement.

BY MR. SAMMARCO:

Q Did you make a statement to the District Attorney?

A My idea of a statement is something you sign.

Q Oh, no, just a little talking. Did you do any?

A To the District Attorney?

Q Yes.

A I couldn't tell the District Attorney if I saw him

walking in this court room.

MR. SAMMARCO: Stand up, Mr. Steffes.

(Mr. Steffes stands)

BY MR. SAMMARCO:

Q You remember this man?

THE COURT: Did you talk with him in the District Attorney's Office?

A No, sir, I never did.

BY MR. SAMMARCO:

Q Did you talk with Mr. Kersten?

MR. KERSTEN: My name is Kersten. Did you ever talk to me?

A No.

MR. KERSTEN: Ever see me before?

A No.

BY MR. SAMMARCO:

Q Isn't it a fact the three boys I mentioned, Gentilli, Fazio and Sansone, were in your tavern one day and Maxine came in there to meet them?

MR. KERSTEN: That is objected to as suggestive, irrelevant and immaterial.

THE COURT: Objection sustained.

BY MR. SAMMARCO:

Q Isn't it a fact there was hatched in your Taste Bar because---

MR. KERSTEN: We will object to this question before fully put, because on its face it is improper, immaterial, leading and suggestive, a plot hatched.

BY MR. SAMMARCO:

Q Let me put it this way: Was there a conspiracy hatched in the Tasty Barbecue between Maxine---

THE COURT: Doesn't that obviously call for a legal conclusion?

MR. KERSTEN: Yes, it does.

THE COURT: The objection to that is sustained.

MR. KERSTEN: I object to that. I was curious what counsel was trying to get.

MR. SAMMARCO: I would like to have the witness dismissed and held in court until later on.

THE COURT: All witnesses under subpoena will be held until excused.

MR. KERSTEN: Just this one question,
Mr. Bundy:

Q It was sometime in August that Teddy Capp or Gagliano tried to get a job for some girl, isn't that right?

A I won't place the time definitely. He came and asked me if I would place a waitress to work, and I told him to send her over and I would talk to her.

Q About a month before the American Legion Convention?

A I still won't place the time definitely; I took so many applications, I don't know, I can't place the time definitely.

Q You don't know what month it was?

A Not positively, no. It was when I was lining up temporary help for the Convention.

Q That was for the Legion Convention?

A It was sometime before that, because everybody said there was going to be a lot of shortage of help and I was lining up different help, men and women.

Q When did you start to line up people for the convention?

A A couple of months before the Convention. We were warned to by the Restaurant Association.

Q The Legion Convention was in September?

A That's right.

Q It wasn't as far back as May you started to line up help, was it? It wasn't four months before September?

A Well, it don't seem to me it was that long before.

MRS. ELSIE WOOD, being first duly sworn,
testified as follows:

DIRECT EXAMINATION

BY MR. SAMMARGO:

- Q. What is your full name?
- A. Mrs. Elsie Wood.
- Q. What kind of work do you do?
- A. Chief Operator of the Yellow Cab.
- Q. As such chief operator have you all of the records of calls made in to the Yellow Cab Company for cabs on May 2, 1941?
- A. We have.
- Q. Have you with you the calls made on that particular evening between the hours of 9:00 and 12:00?
- A. I have them with me.
- Q. Did you check these calls?
- A. I did.
- Q. How many times?
- A. Three times.
- Q. In checking those calls did you find a call from the Du Laveris Tavern to the Jackson Hotel for the evening of May 2, 1941?
- A. No; I didn't find any.
- Q. Couldn't find any?
- A. No.
- Q. Can you tell us whether you found any from the Jackson Hotel to the Belmont Hotel at any time between 9:30 P.M. of May 2nd, to 12:00 o'clock P.M. of said night?
- A. No, I didn't find anything from the Jackson Hotel.

but we have one here for the Jackson Bar that I have
here, if you wish to see it.

Q Will you kindly give us the time the call came in
from the Jackson Bar, and the date?

A That came in May 2nd, 9:20 P.M., was dispatched at
9:22 P.M., for the Jackson Hotel Bar.

Q That was an outgoing call from the Jackson Hotel,
9:22 that evening?

A That evening it was dispatched and it was taken at
9:20.

Q Outside of that you didn't find anything else?

A I didn't find anything.

MR. SAMMARCO: That's all.

CROSS EXAMINATION

BY MR. KERSTEN:

Q Your checking goes up to midnight, May 2nd?

A I have the entire record.

Q Up to midnight of May 2nd?

A Yes.

Q And there is one call there at 9:20 from the Jackson
Hotel Bar, and your checks show that particular
designation, but wouldn't show any other designa-
tion from any call being placed other than the Jackson?

A Other than the Jackson.

Q How many checks are there there for that day?

A Just one.

Q No, I mean all ^{TOLD} ~~told~~, do you know approximately how many?

A You mean our entire record for the entire day?

Q Yes.

A 3,811.

Q Your checking and testimony would not include any calls that might have been near the Du Laveris Bar, would it?

A The nearest I found to that, that happened to be 540, but that's two blocks away. That wouldn't be near there.

MR. KERSTEN: That's all.

REDIRECT EXAMINATION

BY MR. SAMMARCO:

Q Mrs. Woods, when these calls come in they are immediately put down on that slip?

A Yes.

Q You have also got the number of the cab and to whom dispatched?

A Yes, sir.

Q And when the call is placed, do you take the number of the place where the call came from?

A If they give us the number.

BY MR. KERSTEN:

Q Your checking doesn't include pick-ups?

A No, sir.

Q Just the call into the company?

A Just the telephone end of it.

BY THE COURT:

Q Let me ask you this: If a call were placed from, we'll say the Republican Hotel, at the corner of Third and Kilbour, and a cab ordered sent to the corner of Third and Kilbour, what would your record show?

A It would show Third and Kilbourn. We have that record.

Q That would show where the cab is sent to, but not where the call came from?

A It so happens we happen to have a phone at the Republican Hotel.

Q If you I am in a building at 540 Wells Street or Wisconsin Avenue, and ask for a cab to be sent to 5th and Wisconsin, your ticket shows merely 5th and Wisconsin?

A Yes.

Q Doesn't show the building that is located there, or anything else?

A No.

BY MR. SAMMARCO:

Q In making your search during the particular hours, of

say, 9:00 to 10:30, were there any calls from the corner of 4th and Wells?

A I didn't make a real thorough check of that. If you want me to do that, I can do that.

BY MR. KERSTEN:

Q At any rate, that doesn't show any pick-ups at all, does it?

A No. You find that on the driver's trip sheet.

MISS FRANCES DETMAN, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. SAMMARCO:

Q Your name?

A Frances Detmar.

Q By whom are you employed?

A By the Checker Cab Company.

Q In what capacity?

A As bookkeeper.

Q As such bookkeeper have you access to the records of the Checker Cab Company with reference to calls?

A I have.

Q Did you bring with you this afternoon all calls made into the Checker Cab on May 2, 1941, between the hours of 9:30 or 9:00 o'clock and 10:30?

A We didn't keep these records any longer than three months, but I have the driver's trip sheets and that is the record of every trip made that night.

Q Did you check the trip sheets made that particular night?

A Yes, I did.

Q Does that include pick-up and telephone calls?

A That does.

Q In making your search, were you able to find a pick-up at Fourth and Wells Street, or the Du Laveris Tavern on May 2nd, 1941, between the hours of 9:00 and 10:30?

A Not between the hours of 9:00 and 10:30, but 11:35 from 4th and Wells.

Q Where to?

A That went to 14th and Wells.

Q That was at what time?

A 11:35.

Q And except for that one you found nothing else as a pick-up or telephone call from that corner?

A No, I didnot.

Q Did you check the record of your records there, your trip sheets, for the hours between 10:30 and 12:00, from the Jackson Hotel to the Belmont Hotel?

A Yes, I did.

Q How many times did you check these records?

A Three times.

Q In so making your check did you find a call or pickup from the Jackson Hotel to the Belmont Hotel between the hours of 10:30 to 12:00 that evening?

A No, I did not.

MR. SAMMARCO: That's all.

MR. KERSTEN: That's all!

ROBERT TERRIS, being first duly sworn,
testified as follows:

DIRECT EXAMINATION

BY MR. SAMMARCO:

Q What is your name?

A Robert Terris.

Q What is your occupation, Mr. Terris?

A Tavern Owner.

Q Where is this tavern located you own?

A 1330 West State.

Q Do you know the complaining witness, Gloria Eichstaedt?

A No.

Q Did you ever see her in your tavern?

A No, I have never seen her.

Q You are positive of that?

A That's right.

Q Did you hear her testimony this morning?

A Yes, sir, I did.

Q You say, then, you never saw this girl in your tavern?

A No.

Q Did you see her between the 13th day of April---

A No, I never saw her before.

Q ---between the 13th day of April and the 1st day of May?

A No.

Q Were you tending bar evenings?

A No.

Q Did you tend bar in the daytime?

A Sometimes.

Q Who was your bartender most of the time?

A It's pretty hard to keep bartenders. They stay a week or two.

Q Who was your bartender between the 13th day of April and the 1st day of May?

A I don't know. I would have to look at my books.

Q You got books?

A Yes.

MR. SAMMARCO: All right. We will issue a subpoena for tomorrow.

MR. KERSTEN: That's all. No questions.

ERV CISCESKI, being first duly sworn,
testified as follows:

DIRECT EXAMINATION

BY MR. SAMMARCO:

Q. Your name?

A. Erv Cisceski.

Q. Where do you work?

A. At the Savoy Tavern.

Q. Where were you working during the month of May, 1941?

A. Du Laveris Bar.

Q. Do you remember seeing Maxine Constance and her husband in that tavern the latter part of May, 1941?

A. I don't remember.

Q. Do you know the people?

A. I did not.

Q. Were you tending bar evenings during the latter part of May, 1941?

A. May?

Q. 1941?

A. Evenings, Yes.

Q. You don't remember seeing him in there at all?

A. I don't know him.

Q. You know the defendant, Ted Gagliano?

A. I do.

Q. Do you remember the time this girl, Gloria Eichstaedt,

came into the tavern?

A Yes, I remember.

Q Do you remember what shift Ted was working?

A About the beginning of May.

Q 1941?

A I think it was between 5:00 and 2:00.

Q Between 5:00 in the afternoon and 2:00 in the morning?

A 2:00 in the morning.

MR. SAMMARCO: That's all.

MR. KERSTEN: No questions.

MRS. DOLORES GAGLIANO, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. SAMMARCO:

Q What is your full name?

A Dolores May Gagliano.

Q Do you know the defendant?

A Yes, he is my husband.

Q How long have you been married to him?

A Three years.

Q Have you a family?

A Yes.

Q How many are there in the family?

A Well, we have one little girl, and another one in April.

Q Beg pardon?

A We have one daughter now and another one coming.

Q How old are you?

A Twenty-five.

Q What kind of work was your husband doing in the month of May, 1941?

A Tending bar.

Q Where?

A Du Leveris.

Q During the month of May, 1941, do you know what time your husband would leave home to go to work?

A Well, generally around 4:30 or 5:00 o'clock in the afternoon.

Q What time would he come back?

A After 2:00, sometimes 2:30 or 3:00 in the morning.

Q Did he get a day off?

A Yes.

Q When did he get his day off during the week, if you know?

A Tuesdays.

Q That was the regular day. Did your husband at any time come home later than 2:30 in the morning?

A Well, sometimes three o'clock, but that was the latest.

Q At any time did he ever come home during that month later than three o'clock in the morning?

A No, only at the end of the month when he worked different shifts.

Q Do you know how much your husband was earning?

A \$27.50 a week, and then he made tips, singing.

Q What did he do with his money?

A He took charge of the money.

Q Did your husband ever tell you about this trip he took to Sheboygan Falls?

(A) NO.

Q How long is it since your husband has been away from home?

MR. KERSTEN: Object to that as immaterial.

BY MR. SAMMARCO:

Q Since he has been under arrest?

THE COURT: Objection sustained.

BY MR. SAMMARCO:

Q With whom do you live?

MR. KERSTEN: That isn't material.

THE COURT: How is that material?

MR. SAMMARCO: I just wanted to show the family relationship.

THE COURT: Objection sustained.

BY MR. SAMMARCO:

Q Where do you live?

MR. KERSTEN: Object to that.

THE COURT: That is immaterial; that is unimportant, where the rights of the party are concerned.

BY MR. SAMMARCO:

A Do you know the reputation of your husband, Ted Gagliano, for truth and veracity in the community in which he resides?

A Why, yes, he has always been very well liked and always been wonderful to us.

Q I asked you, do you know his reputation for truth and veracity?

THE COURT: That answer is ordered stricken as not responsive to the question. How is this material at this stage?

MR. SAMMARCO: I want to bring in the character of the defendant.

THE COURT: Is he going to take the stand?

MR. SAMMARCO: Absolutely he is going to take the stand.

THE COURT: With that statement we will permit the answer.

BY MR. SAMMARCO:

Q Now, will you please answer the question, do you know

your husband's reputation for truth and veracity in
the community in which he resides?

THE COURT: Answer that "Yes" or "No".

A Yes.

BY MR. SAMMARCO:

Q. Can you tell us whether it is good or bad?

A Good.

MR. SAMMARCO: That's all.

MR. KERSTEN: No cross-examination.

MRS. SANTA GAGLIANO, being first duly
sworn, testified as follows:

DIRECT EXAMINATION

BY MR. SAMMARCO:

Q. Is Ted Gagliano related to you?

A. It's my son and I'm proud of him.

Q. Just answer the question. Where does your son live?

A. 619 East Lyon.

Q. Is he with you?

A. Yes, He has been with me until he is married; and then
he come and live with me after he is married.

Q. Do you know the reputation of your son for truth and
veracity in the community in which he now resides?

A. He is best son for myself.

THE COURT: Just answer the question, please.

BY MR. SAMMARCO:

Q Do you know his reputation for truth and veracity?

A Good.

Q About the beginning of May, 1941, do you remember what time your son would leave for work, about the beginning of May, 1941?

A Between four and five o'clock, he leave about 4:30 from the house.

Q Do you know what time your son would come home?

A About 2:30 or 3:00 o'clock in the morning.

MR. SAMMARCO: That's all.

MR. KERSTEN: No questions.

ROBERT BUNDY, being recalled, testified

further as follows:

BY MR. SAMMARCO:

Q Mr. Bundy, you testified you operate a restaurant?

A That is right, a barbecue restaurant.

Q What kind of people do you cater to?

A Mostly night trade.

Q I believe you stated you knew Maxine, is that correct?

A I do.

Q Do you know whether or not Maxine ever met anyone in your restaurant--

MR. KERSTEN: Object to this as immaterial.

MR. SAMMARCO:

Q. ---during the month of May, 1941?

A. I wouldn't say she met anyone there, intentionally.

MR. KERSTEN: Object to that. I don't see the materiality of it.

THE COURT: He may answer.

A. Maxine was in my place during that month.

Q. Who was there with her?

A. Some boys came in and stood around with her.

Q. Can you tell us who the boys were?

A. I know two of them, I think, possibly three. I think it was Sansone, Louis Fazio and Gentilli, I think.

Q. What happened there when they came in?

A. They said there was something they wanted to talk over.

MR. KERSTEN: That's objected to.

THE COURT: That's ordered stricken as hearsay.

BY MR. SAMMARCO:

Q. What happened there when these three men came in there?

MR. KERSTEN: I object to this as immaterial.

THE COURT: Objection sustained.

BY MR. SAMMARCO:

Q. Did they get together?

MR. KERSTEN: Object to that as leading.

THE COURT: Objection sustained.

BY MR. SAMMARCO:

Q. What did you see in the place as between these people that came in?

MR. KERSTEN: Object to this as immaterial.

THE COURT: Sustained on the ground immaterial; all of the people not connected with the case.

BY MR. SAMMARCO:

Q. Did you hear any conversation as between the four people?

MR. KERSTEN: Object to this.

THE COURT: Objection sustained.

BY MR. SAMMARCO:

Q. Where were you when these people came in, that is Maxine ---

THE COURT: I am afraid counsel doesn't understand the reason for the ruling of the Court.

Whatever transpired between them is immaterial because none of them connected with this case.

MR. SAMMARCO: I don't know about that. We may be leading up to something else.

THE COURT: You will have to lead up by a different avenue.

BY MR. SAMMARCO:

Q. About what time in the evening did Maxine come in?

MR. KERSTEN: Object to that as immaterial.

THE COURT: The objection to that is sustained.

BY MR. SAMMARCO:

Q Did you have any conversation pertaining to this case with any one of the four people that came in?

MR. KERSTEN: We will object to that as immaterial and improper. This is in May and this case was not started until sometime in September.

MR. SAMMARCO: I mean with reference to the facts pertaining to this case in May. The act, according to your complaint, occurred in the month of May.

MR. KERSTEN: Object to that as immaterial.

THE COURT: Objection sustained.

BY MR. SAMMARCO:

Q How long did these people stay in this restaurant?

MR. KERSTEN: Object to this as immaterial.

THE COURT: Same ruling.

BY MR. SAMMARCO:

Q About what time did they leave, if you remember?

MR. KERSTEN: Same objection.

THE COURT: Same ruling.

MR. SAMMARCO: That's all for the time being.

NICK DU LAVERIS, being first duly sworn,
testified as follows:

DIRECT EXAMINATION

BY MR. SAMMARCO:

Q. What is your name?

A. Nick Du Laveris.

Q. What is your occupation, Mr. Du Laveris?

A. Tavern operator.

Q. Do you operate the tavern on 4th and Wells?

A. I am.

Q. Do you know the defendant, Ted Capp?

A. I do.

Q. Was he working for you during the month of May, 1941?

A. He was.

Q. The early part of this month of May do you know what shift he was working?

A. He was working 5:00 to 2:00, 5:00 in the evening until 2:00 in the morning.

Q. About how long during the month of May did he work on that shift?

A. According to my books he got the last check May 19th.

Q. Does that mean he was there up to May 19th?

A. That's correct.

Q. Have you that check with you?

A I have.

Q May I see it?

(Check handed to counsel)

MR. SAMMARCO: I would like to have that check marked.

(Check marked "Defendant's Exhibit G" for identification)

Q I show you Defendant's Exhibit G for identification, and ask you what that is.

A That is a check that was issued to Teddy Capp by me May 19th, 1941.

Q And on the back was endorsed by Ted Capp?

A That's right.

Q And that was the last check you gave him out of your establishment?

A That's right.

Q In other words, his employment terminated that day?

A That's correct.

CROSS EXAMINATION

BY MR. KERSTEN:

Q Isn't it a fact, Mr. Du Laveris, that the bartenders arranged between themselves very frequently to take care of one another's shifts?

A That's right.

Q So as far as you know you can't say whether or not
Teddy Capp worked from 5:00 to 2:00 every day at this
particular time you referred to in your answers?

A I couldn't say that very well, because the regular day
was Tuesdays off, but the bartenders always arranged
so they can change their dates.

Q His salary there was \$27.50?

A That's correct.

Q Did you have any knowledge as to about how much he
made in addition to that?

A I couldn't say that.

Q As far as you could say was it any great amount of
money?

A I can't say it.

Q At any rate, he left your employment around May 18th
or 19th?

A The 19th, that's right.

Q Now, isn't it a fact, Mr. Du Laveris, that you changed
Teddy's shift because of some trouble about having too
many of his friends around there towards the end of
that time?

A When Teddy Capp started working for me, he had the
late shift from 11:00 in the evening until 8:00 in
the morning, and there were a few of his friends
came around there in the morning, and I told Teddy

I didn't want fellows to come around there, so he said: "I can't help that," so I changed him and put him at the middle shift, which was 11:00 to 2:00.

Q. Do you recall telling Officer Hanlon and Mr. Steffes you fired him June 2, 1941?

A. No, I checked my books and I found the last check was issued May 19th.

Q. You don't know whether or not he may have been there after that time, do you?

A. No.

MR. SAMMARCO: That is objected to as already having been answered.

THE COURT: This is cross-examination.

Objection overruled.

MR. KERSTEN: That's all.

RE-DIRECT EXAMINATION

BY MR. SAMMARCO:

Q. When Ted started working for you, what kind of work was he doing?

A. Tending bar.

Q. What else?

A. Singing.

Q. How long have you known Teddy Gapp?

A. I have known him a number of years, I will say two.

or three years.

Q. You have seen him on and off up to the time he worked for you?

A. Yes, I did.

Q. Do you know his reputation for truth and veracity in the community in which he resides?

A. As far as I know, it's good.

THE COURT: Answer that "Yes" or "No".

do you know his reputation?

A. I do.

BY MR. SAMMARCO:

Q. And is that reputation for truth and veracity good or bad?

A. Good.

MR. SAMMARCO: That's all.

MR. KERSTEN: That's all.

LEONA GOLDINE EICHSTAEDT, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. SAMMARCO:

Q. Your name?

A. Leona Goldine Eichstaedt.

Q. Where do you live?

A. 1304 N^orth Astor Street.

Q Are you the mother of Gloria?

A I am the mother of Gloria.

Q How old is Gloria?

A Gloria is fifteen.

Q How long did Gloria go to school?

A I had her until she graduated from the 8th Grade.

Q When would that be? What year?

A I believe she was thirteen. We had it figured out so she would be twelve, but I forgot her birthday, figured that was in February, I had it figured as far as June, and that's when my sister got custody of her.

Q When was that?

A I don't know the year--I will tell you in a minute, three years ago would be 1938.

Q Two years ago or three?

A It would be two.

BY THE COURT:

Q Three years ago, you say it was?

A Yes.

Q In what month?

A I will tell you when that happened, that's when she left home, that was the very first time, and I believe it was in June or July.

Q Three years ago last June or July? Three years ago this past June or July?

A This coming June or July, I forget the dates. I know how old she was, that's all.

BY MR. SAMMARCO:

Q When you say she left home, whose home did she leave?

A I was living with my mother at that time, and because of the constant friction she left home.

Q How long was she gone?

A She went to Chicago that night and they picked her up right away and I went down to Chicago to get her in the meantime and she said she didn't want to come back home because of all of the trouble, and then the case came up in Juvenile Court, and I asked the Judge if there was some place---

MR. KERSTEN: I think this is all immaterial.

THE COURT: Objection sustained. Put your next question.

BY MR. SAMMARCO:

Q You have been present during the entire trial, is that correct?

A That's right.

Q How does it happen you came in here as a witness?

MR. KERSTEN: Well, of what materiality is that? We object to it as immaterial, how did she happen to come in here.

MR. SAMMARCO: Let me bring this out, then.

Q You called at my office?

A That's right. I didn't know Gloria had been found, nor, no one notified me, but when she ran away from Mrs.

Claussen's--

MR. KERSTEN: We will object to this as immaterial.

THE COURT: Objection sustained.

BY MR. SAMMARCO:

Q What other names outside of the names she used this morning, has your daughter used, that you know of?

A That I know of?

Q Yes.

A Nancy Forenning, Rose Marie Froenning, and Patsie McFarland, and the one she used now, I don't remember the last name, and "Irish" and "Ted" and I couldn't say.

Q You know your daughter pretty well?

A I should.

Q When was the last time you saw your daughter?

A In January.

Q Where did you see her?

A At Mr. and Mrs. Claussen's.

Q Since that time you haven't seen her?

A No, I was ill.

Q Do you know your daughter's reputation for truth and veracity in the community in which she resides? Do you know her reputation?

A Oh, yes.

Q In the community in which she resides?

A I do.

Q Is it good or bad?

A Both.

Q When you say "both", what do you mean?

A When she was good she was very good.

MR. KERSTEN: We understand what you mean. You mean good and bad. We will object to any further questions along that line.

THE COURT: I would like to hear her answer.

A Gloria was a very good girl when good, but she wouldn't just sit still in one place. She was very good, good in school and everything.

BY THE COURT:

Q Did you understand the question? The question is: Do you know her reputation in the community in which she lives for truth and veracity? Do you understand what "truth and veracity" are?

A I do.

Q Do you know what her reputation was where she lived, for being a truthful girl?

A Not where she lived.

THE COURT: Then the jury is instructed to disregard the previous testimony of this witness in respect to reputation.

BY MR. SAMMARCO:

Q When you say you don't know what her reputation was where she lived, what do you mean?

A She was living with Mr. and Mrs. Claussen's and I only went up to visit her; I didn't know any of her girl friends or anyone around there, and I know as far as being good to Mrs. Claussen while she was up there.

THE COURT: We are not concerned with that.

A I was winding around to it.

THE COURT: I understand, but what you are saying is immaterial, and it is the duty of the Court to confine you to material things. This question calls for her reputation among those she associated with in the community she resides, and I understand you didn't know those people and don't know what her reputation among them was. Is that correct?

A That's right.

MR. SAMMARCO: I don't think she understands the question, your Honor.

THE COURT: I think was have the situation

very clear now.

MR. SAMMARCO: I don't know, your Honor.

THE COURT: The Court has ruled.

MR. SAMMARCO: All right.

Q When is the first time, as you stated, your daughter left home? About what year?

MR. KERSTEN: Object to this as immaterial.

THE COURT: Doesn't that appear from the Juvenile Court record?

MR. SAMMARCO: I don't think so. We didn't get the record then. The Court refused to permit it.

Q Where did she go?

A Chicago.

Q When is the second time she left?

MR. KERSTEN: There is a remark made by counsel. He stated that the Court did not permit the Juvenile record in here. The Court did permit the Juvenile record of findings and judgments, and I object to the remark of counsel.

MR. SAMMARCO: The file was not in evidence. Is that satisfactory?

THE COURT: The Court didn't hear the remark, so we will pass it.

BY MR. SAMMARCO:

Q When was the second time your daughter left home?

A My sister had her then, I don't know.

Q Do you know when the third time was your daughter left her place of residence?

A The time she ran away. Is that what you mean?

Q Yes.

Q When she went out to the County Home for Dependent Children, that's the next time I knew when Miss Brunk called her.

Q That she had left?

A Yes.

Q When was the fourth time?

A In the place where she is staying at Mr. and Mrs. Claussen's.

Q That would be the Claussen's then?

A That's right.

Q Now, there was in evidence here a letter that was received by you, is that correct?

A By me?

Q From your daughter?

A From my daughter.

Q Did you talk to her after that letter was received?

A Oh, yes.

Q You and your daughter were on friendly terms then?

A We were.

Q Still are?

A Well, she doesn't even smile.

Q Is Gloria the only daughter you have?

A Yes.

MR. SAMMARCO: That's all.

CROSS EXAMINATION

BY MR. KERSTEN:

MR. KERSTEN: Mrs. Shannon, will you please Gloria out of the court room?

(Gloria Eichstaedt taken out of the Court room by Mrs. Shannon)

BY MR. KERSTEN:

Q No, Mrs. Eichstaedt, you stated that your daughter's reputation for truth and veracity is good and bad haven't you?

A Yes.

Q In other words, she is bad as well as good, is that right?

A She has lied to me quite a bit.

Q On November 10th, 1932, you were arrested and convicted of vagrancy, weren't you?

A I was never convicted.

MR. SAMMARCO: I believe counsel knows the usual method, whether or not she has been convicted of a felony, which sentence remains unreversed of record, and I object to it,

THE COURT: I believe the rule is that includes all offenses, misdemeanors as well as felonies.

MR. KERSTEN: That's my understanding. I won't name the offenses.

Q You were arrested and convicted of a criminal offense in the year 1932, were you not?

MR. SAMMARCO: That's objected to as improper.

THE COURT: The form of the question is put in the nature of a statement more than a question.

BY MR. KERSTEN:

Q Isn't it a fact you were arrested and convicted of a criminal offense in November of 1932?

MR. SAMMARCO: That's objected to as to the form of the question, being improper.

THE COURT: Objection overruled.

A I was not convicted. You mean if I ever did time for a vagrancy charge of any kind?

BY MR. KERSTEN:

Q Whether you were convicted of vagrancy?

A No, I was not.

Q You were in court and you were convicted?

A I was always suspended because my mother swore out the warrants for my arrest.

Q Now, in March of 1933 you were arrested and convicted of a criminal offense, isn't that true?

MR. SAMMARCO: That's objected to for the same reason.

A I don't remember every time my mother had me arrested. She was down here more than home.

Q Did she have you arrested in 1939?

A 1939?

Q That's right.

A I have been away from home over two years.

Q You were arrested and convicted in 1939, were you not?

A For what?

Q Weren't you up in the District Court?

A Not in 1939.

Q You were arrested and convicted of a criminal offense in October of 1934, were you not?

A I don't remember. I don't remember the years.

Q You were arrested and convicted of a criminal offense in the year 1935, were you not?

A I don't know. You will have to ask my mother, for Heaven's sake.

Q Have to ask your mother?

A She was the one had me arrested every time. I never did any time for it. Always vagrancy because I didn't

get a job.

MR. KERSTEN: That's all.

RE-DIRECT EXAMINATION.

BY MR. SAMMARCO:

Q. These convictions counsel talks about, how were they brought about?

A. Well, when I wasn't working there wasn't any money towards the support of my daughter, and we were all living home with my mother and right in the midst of the depression she came down and had me arrested for vagrancy, and brought in front of the Judge. He said, "Try to get a job." Thirty days later he said, "Have you got one?" I said, "No." Then when I did get a job, and they thought it would be a good idea if they gave me three more months probation. The Judge wouldn't have it. He said, "No; she is working now, leave her alone." That's where all the trouble started, at home.

Q. Now, counsel for the State asked you a question to which you answered Gloria lied. Will you be specific and tell us what you meant when you said Gloria lied?

MR. KERSTEN: That's objected to as immaterial.

THE COURT: Objection sustained.

MR. SAMMARCO: I think that will be all,
your Honor.

RE-CROSS EXAMINATION

BY MR. KERSTEN:

Q. You gave Mr. Gagliano's attorney a copy of this newspaper write-up in the Chicago Tribune with your daughter's picture on it?

A. I gave this to him this morning down here with I heard Gloria tell the lie yesterday about her being taken away from me when she was twelve, when she ran away when thirteen. The case came up in Court, and she said I was absolutely no good; a year later she said she thought it was my mother's fault there was trouble at home. Then they gave the child back to me. She couldn't have had a nicer home than she had, some wonderful people, she ran away again, and I found her at 11:30 at night and brought her back with me. What happened? This happened again.

Q. So you gave it to Mr. Sammarco yourself?

A. I showed it to him and he took it, yes.

MR. KERSTEN: That's all.

BY MR. SAMMARCO:

Q. I suppose you gave Mr. Hamlon the picture, too?

A. He came up to the house and got it.

MR. SAMMARCO: That's all.

MRS. ELSIE WOOD, being recalled, testified further as follows:

DIRECT EXAMINATION

BY MR. SAMMARCO:

Q Mrs. Wood, you have made a careful examination of the records pertaining to calls sent in to the Yellow Cab Company?

A I did.

Q May 2, 1941?

A I did.

Q Did you find any calls out of the Jackson Hotel between the hours of say 10:00 and 12:00?

A Not from the Jackson Hotel.

Q Did you get any calls or pickups?

A Just calls.

Q Did you find any other calls within the neighborhood?

A I did.

Q What did you find?

A At 9:39 the St. Lawrence Hotel, in the lobby, that is 1026 North Jackson, and the Jackson Hotel is 926 North Jackson. Then there is another one here at 1:07 A.M. 1026 North Jackson.

Q What wouldn't be the Jackson Hotel?

A No, that's the St. Lawrence. Also another one at 10:21 at 1004 North Jackson on the corner.

Q That isn't the Jackson Hotel?

A No, that's right near the Jackson.

Q That is at what time?

A 10:21, and that's all in that neighborhood.

MR. SAMMARCO: I believe that's all.

MR. KERSTEN: That's all. You said it didn't include the pickups?

A Didn't include the pickups.

Q In other words, the only calls you have there are the calls directly into the Cab Company itself?

A Through the switchboard.

Q Through the Cab Company switchboard at headquarters?

A That's right.

MR. KERSTEN: That's all.

BY MR. SAMMARCO:

Q Are there any other cab companies that you know of in the City of Milwaukee, outside of you and the Checker?

A That's all I know of.

MR. SAMMARCO: All right, that's all.

MRS. ELLA CLAUSEN, being first duly sworn,
testified as follows:

DIRECT EXAMINATION

BY MR. SAMMARCO:

Q Mrs. Claussen, you are the wife of John Claussen, I believe?

A Yes, sir.

Q Do you know Gloria Eichstaedt?

A I do.

Q When did Gloria Eichstaedt come into your home?

A October, 1940.

Q Under what conditions did she come to your home?

A Well, I was asked by the Home for Dependent Children whether I would take her into my home and give her a home.

Q How long did she live there?

A From October until April, Easter.

Q She left in April?

A Yes.

Q Under what conditions did she leave your place?

MR. KERSTEN: Object to that as immaterial.

BY MR. SAMMARCO:

Q Was there anything said when she left?

A She told me she was going out visiting, that was all.

Q That was the last time you saw her?

A Yes.

Q Did you make any report of her disappearance after that?

A Yes.

Q To whom?

A To the Children's Home.

Q Was there any arrangement there for her support while she stayed at your home?

MR. KERSTEN: Object to that as immaterial.

THE COURT: Objection sustained.

BY MR. SAMMARCO:

Q How many children do you have?

A Two.

Q Were they living there at the time Gloria was there?

A Yes, sir.

MR. SAMMARCO: That's all.

MR. KERSTEN: That's all.

MR. SAMMARCO: Now, your Honor, at this time I would like to have an adjournment until morning because I will have a lengthy examination of the defendant and I will start that in the morning.

THE COURT: Is that your last witness with the exception of Mr. Terpiss?

MR. SAMMARCO: I believe I will have some more character witnesses, but maybe not. I will

shorten this quite a lot tomorrow.

THE COURT: I would like very much to finish this tomorrow and I would like to run until six o'clock tonight so you can have quite a lengthy examination.

SALVATORE GAGLIANO, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. SAMMARCO:

Q. What is your full name?

A. Salvatore Gagliano.

Q. By what other name are you known?

A. Teddy Gapp.

Q. What is your occupation?

A. Well, my occupation is a professional--I'm a singer but at this occasion I was a bartender.

Q. How old are you?

A. I am twenty-seven years old.

Q. How long did you go to school?

A. About the 9th Grade.

Q. Are you married?

A. Yes.

Q. To whom are you married?

A. Dolores Wood; Dolores Gagliano at the present time.

Q Have you a family?

A Yes.

Q How many?

A I have a little girl.

Q How long have you been married?

A Approximately three years.

Q Were you at any time employed by Nick Du Laveris?

A Yes, I was.

Q When were you employed by Nick Du Laveris?

A Well, prior to May, I believe, about seven months prior to that, now.

Q Prior to May, 1941?

A That's right.

Q When was the next time you were employed by him?

A Just one occasion, I have worked for seven months.

Q Did you ever go back to work for Du Laveris during May, 1941?

A After May?

Q No, during May.

A Yes, I was working during May.

Q For whom were you working?

A Nick Du Laveris.

Q Where?

A 4th and Wells.

Q Do you know the complaining witness, Gloria Eichstaedt?

A Yes, I do.

Q When did you first meet her?

A Well, to be specific, she claims it was the 2nd. Well, I don't recall that far back. If she claims it was the 2nd, it was the 2nd.

Q The first time you met her was the 2nd, or before that?

A Well, no, I had never met her before that.

Q When you met her the 2nd, what time was it?

A Well, I started working at 5:00 in the afternoon.

This girl had come here about I would say 9:00 or 9:30.

Q Did you know the girl?

A Never knew her before.

Q What happened the first time you saw her on the 2nd?

A The first time I saw her I had just got through working, I believe, but it was about two o'clock in the morning, just leaving.

Q That would be 2 o'clock in the morning of the 2nd?

A I believe so.

Q Tell us what happened.

MR. KERSTEN: Just let me understand that prior question and answer.

(Last question and answer read.)

BY MR. SAMMARCO:

Q Did you have any conversation with her?

A Just I was introduced to the girl, just, I said "Hello".

and "Glad to have met you", and I left.

Q Where did you go?

A I went across the street and had a cup of coffee at the Belmont Hotel.

Q From there where did you go?

A Directly home.

Q Did you see her again after that?

A The following night.

Q About what time did you meet her the following night?

A That's when I had met her, at 9:30.

Q Where did you meet her the following night?

A In the tavern where I was employed.

Q What were you doing at the time you met her?

A I was singing songs behind the bar, tending bar. There is usually two bartenders behind the bar. The other bartender would sometimes take care of the customers and I would entertain them with my songs.

Q While you were entertaining she walked in?

A She came in.

Q What conversation took place after she came in?

A She was seated at one end of the bar and I had been singing songs at that end of the bar, and she was seated there with several people I didn't know, I can't recall just who they were, and I was singing there and she was kidding me, kind of reached over and kissed

me and what have you, and I was sort of embarrassed, so I walked away to the other end of the bar.. So then I had come back and I had been talking to this girl and she had told me that she wan't staying anywhere, she didn't have no where to stay, and she had been drinking. I said: "What was the reason for you drinking? Why don't you try to do something for yourself and get yourself a job," and I had told her I would be able to get her a job if she would let me help her. She said she would appreciate anything I could do for her, and also took into consideration the girl really needed help, that was the only reason I comforted the girl and asked her if I can't help her.

Q What did you do to help this girl?

A I told her to wait until I got through working, that could be 3 o'clock in the morning. She had stayed around, she had left on several occasions with different fellows out of this tavern, but had come back before I got through working; so after I got through working I took my apron off and was seated in a booth with this girl, I was conversing with her and I had told her I was told this girl had a venereal disease.

BY MR. KERSTEN:

Q. By whom?

A. By a fellow named Dan Patsos, the manager of this tavern. I was talking to the girl, and I told her:

"I will try to get a job for you, but first of all you will have to be cured. You won't be able to work in a restaurant unless you are cured, because you can't work in a restaurant if you have a disease."

So I had left with this girl and we went across the street to the Belmont Hotel and, mind you, ladies and gentlemen, I am telling the truth.

BY MR. SAMMARCO:

Q. Just continue with your story.

A. I took this girl across the street to the Belmont Hotel. I asked her if she wanted something to eat.

She said she was hungry. We had a cup of coffee and she had a sandwich and we were seated there, there were several fellows at the other end of the counter, Gentilli and several of the boys that I have never associated with, I have seen them, I said a casual "Hello" but that's all, never had any relations with them at all, so I got through drinking my coffee and Fazio had walked in, so I had seen him, I had went over and talked to him. I told him: "Fazio, there's a young lady here that is in this condition, she's sick, she don't have nowhere to stay, I would like very much

if we could help her in some way". He said, "Well, I know what I can do; there's a place where I know we can take this girl, but it will cost some money." I said, "What do you mean, it would cost some money?" He said, "Well, it's a home; there will be a doctor there will take care of the girl, and naturally they would have to feed her and they would have to pay for those treatments and for feeding the girl and for her staying there." So I asked him how much it would cost, and he told me it would cost forty or fifty dollars to keep her there a period of a month. So I said I would pay him this money because I knew I would get the money in return after this girl started working here in Milwaukee. I had given this Louis forty dollars on the way up to this house; I didn't know where it was, we kept on riding and riding, we thought we would never get there, so we finally reached this home.

Q You mean---

A The Old Colony Club. It don't look like a club, just a home.

Q Who drove up there with you?

A Fazio and Duffy.

Q And this girl?

A This girl.

Q Who drove the car up there?

A Fazio.

Q Whose car was it?

A It was Fazio's automobile. He didn't own the car. He had borrowed it from someone, but that's the car he had. He was driving the car.

Q What happened after you got to the club house?

A We had reached this place, we had all walked into this one room right off the dining room or what is it, I don't know just what it was, sort of a porch. All walked in and this girl come in, this Gail.

Q That's the girl that was on the stand here?

A That's the girl that was on the stand.

Q Did you know her?

A I have never seen her before in my life.

Q Go ahead.

A And we were just introduced and I had told Louis, I said, "Why don't you explain to the girl why she's here?" He said, "She is not the boss of the place, I will have to talk to the boss tomorrow." I thought that would be all right. We had left and the girl had went up to bed.

Q Was there any conversation at all there between the girl, Gail, and you and Ezio and Duffy?

A No conversation at all.

Q She just went right up to bed?

A She went to bed.

Q Was there any coffee served there?

A Not that night, no coffee served. We just went right out and went back home.

Q Go ahead, what happened?

A Well, I had left there, must have been about eight o'clock in the morning, I had went home and went to bed. I had got up the following day and went back to work. That night when I went back to work I received another phone call—the first phone call, rather, from this landlady. She had called me up. She told me that this girl was taken to a doctor and she had a very bad case of venereal disease and she asked me "What do you want to do about it?" I said, "Well, the reason why she is up there is to get cured," I said; "Cure the girl, I have already given Louis the money to pay you." So she said, "All right." I didn't go up to this place again for about three or four days later, went up there.

Q That's after the girl had been taken up there?

A That's after the girl had been taken up there, three days later I had come up there and this landlady had told me she had caught a cold; she was laying out in the grass with just a thin dress on and she had caught

a cold. So the time I went up there the second time it was with this Duffy again.

Q Tell us what happened after you went up there and this girl had got the cold the first time you were up there?

A We had got into the automobile and I had taken her out for a ride.

Q Is this the first time?

A The second time I was there we had went for a ride.

And in fact she asked me to sing songs for her. She always liked to hear me sing. I had sung for her because I knew she was in the same profession I was in, knowing she was a singer I tried to help her and give her whatever pointers I could on how to sing correctly. After that I had taken her back and we had had some coffee, they asked us in for some coffee and a piece of pie. We had that and left. I had went back home. That was the second time I seen her.

On the third occasion I didn't go up there until about the middle of the month, it was about the 15th or 16th, I don't recall exactly, maybe before that.. I had went up there and she was talking to me in this little room, her and I alone, and she had given me forty dollars money I had originally given her, not to her, but to this Fazio for her.

She had given me this forty dollars and I had went away. We got back into the car and we left. That was the third time I seen her. Then I went up there, I had went up ther again--wait a minute when I received this forty dollars, that's when I first found out what this girl was doing. I had seen her in a gown and I knew this girl was working as a prostitute and I knew it would involve me in some trouble, so I had told her to come out in the car with me, I wanted to talk to her. So she got in the car and we were driving back to Milwaukee and she said, "What are you going to Milwaukee for?" I said, "For the reason I don't want to be involved in this kind of trouble." She said, "This is what you want to do." I said, "I don't care what you want to do, I'm not a pimp." That's exactly what I told her. I said "I have a family." In fact I told her I was married and had a daughter. I said I didn't want to be involved in any of this, "I am taking you back to Milwaukee." She insisted on going back to this home after we were in the car. She screamed. There was nothing I could do, I had to take this girl back. When I had taken her back she said, "Good-bye" to me and I said, "All right, if that's the way you want it goodbye." I had left, not knowing I would ever see this girl again,

because I had tried to get her out of this place." Several days later this Maxine and Christ Constance, came in to see me in this tavern, had come in alone, had come in, it was just casual greeting, said "Hello" and "Hello", and I had told them people, I said, "Look, I want those people out of that place because it is going to involve me in trouble, get that girl out of there." IN fact, before that I had met Fazio again and I told him "I think you had better go up there and get that girl out of that place because I don't want her in there." I said, "I want that girl back in Milwaukee." So he said, "I'll see what I can do." So several days later is when Constance and his wife came down. They had come into the tavern, they were alone, casual greeting, said, "Hello, hello," then ordered a drink and I had served them, and they had told me about this girl being up there, and I told them Yes, I wanted that girl out of that place. They had told me, "There is nothing we can do." He said, "The girl wants to be up there." So he said, "We will go out and get her, you can talk to her." So this Christ Constance had gone out to get this girl, he had gone out, so I don't know where, whether she was at the Belmont or where she was. I believe she was at the Belmont. They had brought her back into this

tavern. I said, "Hello" and she said, "Hello", and in fact, she smiled at me and I smiled at her. We were all at the corner at the bar. I was singing and serving people. All of a sudden this Constance's wife, this Maxine, said, "Would you like to talk to this young girl alone? Take her into the booth and talk to her." I said, "Sure, I'd like very much to talk to the girl," so we had gone to a booth and I talked to her. I said, "What are you doing?" I had figured it out they had brought her back to leave her here in Milwaukee. She said, "Well, I'm not going back up there, but I'm going with some fellow now I like very much." I said, "Well, that's good, I'm glad to hear that." I said, "At any time you need any assistance, if you need any help or any advice or need money, come to me, and I'll help you." She said, "All right, I'll do that," in fact, she shed a few tears. She was in this booth with me. So I didn't know what these tears were, I thought probably the girl was sad, she had known I had helped her and was showing her appreciation by shedding a few tears. We had got up in the booth and went back to the bar and they had all left. I said, "Goodbye" and "Goodbye" and I had never seen the girl again until six months afterwards, I was at a hearing of this trial, I don't know what

connection this would make to the case, but after I was through working for Du Laveris and had secured a job at my Uncle's on 6th and Michigan, he had left on vacation and wanted me to take care of the place for him until he got back. I had worked there for three weeks until he got back. After he got back I had left there and some gentlemen approached me and wanted to offer me a job in the Barbecue Bar on 4th and Wells, right across the street from Du Laveris. I had taken the job because it paid a lot more money and I started working there. About two and a half months afterwards this Christ and Maxine appeared again into this tavern where I was working. This mind you, was during the investigation of this so-called vice ring. At this time they had this Sansone in custody. They had told me where they--

MR. KERSTEN: I wonder if we are not getting into something here entirely outside of the issues involved in this case.

THE COURT: I think we are, definitely.

MR. KERSTEN: Object to it as immaterial.

THE COURT: Objection sustained.

BY MR. SAMMARCO:

Q You heard the testimony of the girl this morning?

A Yes, sir.

Q That about 9:30 on the evening of May 2nd you telephoned a cab. Did you telephone a cab on May 2nd, 1941, at the Du Laveris Tavern?

A Definitely not.

Q You deny, then calling a cab?

A I do.

Q You heard her testimony you took a cab with her and went to the Jackson Hotel and were there from 9:30 until about 11:30?

A It's ridiculous.

Q You heard her testimony that you picked up a telephone at 11:30 that evening in the Jackson Hotel, called a cab and went to the Belmont Hotel?

A I really don't know where she got that story.

Q Were you ever in the Jackson Hotel with this girl?

A I never was in the Jackson Hotel with this girl or with any other girl.

Q Have you ever been in the Jackson Hotel?

A I have never been in the Jackson Hotel.

Q When you met Louis Fazio, that was after you got through working at the Du Laveris Bar on May 2nd?

A That's correct.

Q You heard the testimony of Nick Du Laveris, is that correct, this afternoon?

A Yes.

Q Nick testified you left his place of employment on the 19th day of May, 1941. Is that correct?

A That's true.

Q Did you ever go back to Nick Du Laveris' Bar after the 19th day of May, 1941?

A You mean as an employee?

A As an employee or entertainer?

A No.

Q Did you work after May 19th, 1941, and up to June 1st, 1941, for Du Laveris? That is, after the 19th, did you work for him?

A No.

Q You heard this girl's testimony that you were paid the sum of \$40.00, is that correct?

A I wasn't paid. That was given in return for the original forty dollars I had given this Fazio.

Q Did you hear this girl testify that amount was paid approximately three days after she started working, which was seven to nine days after she had been left up there?

A Right.

Q Then it was about twelve to fourteen days when you got your forty dollars back?

A Yes.

Q That would bring this down to May 16th?

A That's right.

Q Then she testified about two or three days later you were up there again and received the sum of \$35.00?

A That isn't true.

Q Did you go up there and get the sum of \$35.00 from her?

A No.

Q That would take us, then to about the 13th day of May.

She then testified about a week or so later she paid approximately another \$125.00. That would take us to about the 23rd day of May. Did you receive such a sum?

A I really don't know how to put that answer, because it's really so ridiculous and I don't see where she accumulated this filthy story. I'm telling the truth.

Q Take it easy. You heard this girl testify this morning or yesterday that you made a statement to her that you were pen pimp. Did you ever make such a statement?

A Never did.

Q You heard this girl testify that you went to Maxine's house, about the latter part of the month, which would be around the 27th day of May, there go up to her room and got into an argument with her and slapped her face. Is that true or not?

A I never touched the girl!

Q Did you ever get any sums of money outside of the re-

payment of this forty dollars from this girl or from Maxine?

A: Never.

Q You say that you saw Maxine, Christ and this girl, prior to your having ceased your employment with Du Layeris, is that correct?

A Yes.

Q In other words, you then saw him prior to the 16th of May?

A That's right.

BY MR. SAMMARCO:

Q Am I correct in that date? I believe it's the 16th. Prior to the 19th day of May, which I show you for identification Defendant's Exhibit G, and ask you whether or not that is the check you received from Nick Du Lavers?

A It is.

Q What does that represent?

A That represents a check paid to me.

Q How much is it?

A Eighteen dollars.

Q Did that represent a full week's salary?

A That didn't represent a full week's salary, because I had drawn during the week.

Q How much had you drawn?

A According to this I had drawn \$7.50.

Q On the back of it appears a signature?

A That is my signature.

Q How is it signed?

A "Ted Capp".

Q You heard this girl's testimony, she claims that at the time you were supposed to have slapped her, about the end of May, that she called you a pimp. Did she ever call you such language?

A That never occurred.

Q Did this girl ever call you from Maxine's?

A Yes, she did call.

Q Do you remember about when it was?

A I don't remember exactly, but she had called me up, she had told me she wanted her \$40.00 back.

Q Did she tell you why?

A Well, she had told me -- I told her I had given this money to Fazio to pay to this landlady. She said she had already inquired of the landlady and the landlady stated Fazio didn't give her the \$40.00, so I had gone up there, I told her I would be there, so that same morning I had went there with this bartender friend of mine.

Q That is this man, Couzens?

A That is Couzens. That is when I had gone up there and

told her about this situation. I said, "This is strictly trying to put me in the center." I tried to tell her that! I said, "They are trying to frame you as well as me." I said, "Come out in the car, I want you to meet somebody." She said, "Who is it?" I said, "You'll know him when you see him," so we had gone out in the car, she had got into the car, and that's when I tried to take her back to Milwaukee, and she screamed and hollered she didn't want to go back to Milwaukee, and I told her why she didn't want to go back to Milwaukee and she said, "Just that I don't want to go back to Milwaukee."

BY THE COURT:

Q Had she ever met Couzens before?

A I don't know whether she did or not. Couzens was a bartender at the same place I was working.

Q Were you ever present when she met him on any other occasion?

A At this tavern I presume she had seen him there, because he was a bartender there.

Q At this time did you try to put her in the car and start back without telling her where you were going?

A Yes, I told her.

THE COURT: All right, go on.

MR. KERSTEN: Before the series of ques-

tions asked by the Court there was a rather lengthy answer by the defendant and I would like to have that re-read. I didn't get all of it, particularly the beginning of it.

(Said answer read)

BY MR. SAMMARCO:

Q In the month of September you found out that you were being wanted, is that correct?

A Yes.

Q Tell us what happened, give us the circumstances leading to the arrest and conversation whatever happened?

A Well, I was home in bed.

Q About when? Just give us the dates, if you can.

A September, I really don't recall the dates.

Q Well, approximately.

A About the middle of the month.

Q Go ahead and tell us.

A I wasn't working at the time. That evening I had been at my uncle's place right across the street from my home. He has a night club there. I had been there and a couple walked in that I knew, Nick Calabrese and his wife walked in there, and he told me --

MR. KERSTEN: We will object to all this as immaterial.

BY MR. SAMMARCO:

Q Did you find out you were being wanted then?

A That's how it came about that I knew I was wanted.

Q Just answer "yes" or "no".

A Yes.

Q After you found out you were being wanted, what did you do?

A I had talked to Mario Megna and I told him, "I believe they have got a warrant out for me, I don't know what it is." I said, "I know who the gift is, but I don't know for what reason they would call me," so I said, "Let's go down there and see what it's all about." So it was during this convention week, on that one Wednesday, I believe it was a legal holiday, and he told me, "We won't go there until after Wednesday, because it's a legal holiday and they are not holding count", so on Thursday afternoon, it was on a Thursday I recall definitely we had gone up there and went to the District Attorney's.

Q When you say "up there" where do you mean?

A Safety Building, the District Attorney's office. So I seated myself there and waited for the District Attorney and he finally came out and we had went to some adjoining room they had there, a little room, so there were several detectives, Mr. Steffes, my attorney, and myself. Walked into this room and he had

read out these warrants for me and asked me if I knew anything about it, and I had told him exactly what I knew. I said, "Yes, I know the girl." I said, "I recall taking her up there with this Fazio," and I had given this Fazio the \$40.00, that's all of the money I received, and he told me if I received one hundred dollars at Du Laveris Tavern. I said, "I never received a penny at Du Laveris Tavern, or any other amount."

Q. What else did he ask you?

A. He asked me a lot of questions.

Q. Did he ask you about taking this girl to a hotel?

A. Yes, he had told me, he said, "What hotel did you take this girl to?" I said, "I had never taken this girl to any hotel".

Q. Did he mention any hotels?

A. No, he didn't.

Q. How did it come about they mentioned the Jackson Hotel to you?

A. I don't know. In fact after I was put into the County Jail, Sheriff Shinners and Mr. Hanlon had come up and questioned me and told me which hotel I had taken this girl to. I said, "I had never taken this girl to any." I said I had never had anything to do sexually with the girl.

Q: You were then being accused of carnal knowledge and abuse at that time?

A: Yes, and he had told me about this money I had received, this \$100.00 I had received, and I told him I have no knowledge of that whatsoever, I didn't recall getting any money, and in fact I didn't.

Q: Now, you heard Mr. Hanlon testify this morning about some conferences that you had with your attorney in the District Attorney's Office?

A: Yes, sir.

Q: Private conferences in Italian, is that right?

A: That's right.

Q: What was said during that conference?

A: May I be specific about it?

Q: Yes, be specific. We want the facts.

A: After they had accused me of all these charges, I really broke down, because they were untrue. So I had told my attorney, I said, "May I say something?" He asked the attorney if he could speak in his own native tongue and the attorney granted permission and he asked me in Italian, "What do you want to say?", I said in Italian that my mother had given me a cross, which it was true she had given me a cross, knowing I was innocent. She told me, she said, "Take this cross with you and everything will be well."